

individuals could survive in nearby similar habitats. There is no basis for this finding given the lack of specificity and detailed information on life history requirements, status, and distribution for many of the covered and non-covered species.

CDFG-29 con't

The Department does not agree with the co-lead agencies' assessment that covered activities are "not likely" to have area-wide or regionally significant impacts on covered species. On the contrary, the Department believes that implementing the covered activities will have regionally significant impacts on the geographic distribution of some of the covered species, especially with regard to their continued existence within California. The California side of the LCR lies at the western edge of the elf owl, Arizona Bell's vireo, Gila woodpecker, and other species' geographic range. The continued existence of these species in California is seriously threatened by further loss and/or degradation of suitable breeding habitat along the entire length of the California side of the LCR. Implementation of flow-related activities will adversely affect nesting success and suitability of occupied habitat if groundwater and flow elevations lower sufficiently to remove surface water or moist soil conditions. Moisture in the soils provides the proper humidity, ground cover, solar protection, and supports the diversity and abundance of prey species (e.g., insects). In addition, groundwater and flow reduction will preclude the regeneration, impede the growth or growth rates, and cause a reduction in canopy vegetation volume of existing or future riparian land cover types changing both species composition and structural characteristics within forest stands. This will affect nesting success, suitability of occupied habitat, and/or inhibit the development of replacement habitat.

CDFG-30

Covered activities will also have regional effects on nesting southwestern willow flycatchers because a large proportion of their extant habitat along the LCR between Parker Dam and Imperial Dam will be affected. In 2000, there were 13 nesting pairs along this reach of the LCR. The majority, if not all, of these occupied sites will be lost and/or degraded due to the loss of requisite microsite conditions. Of the 1,460 acres of occupied willow flycatcher habitat between Parker and Imperial Dams, 909 acres are located within California (USFWS 2001).

CDFG-31

The Department recommends that measures specified in the conservation plan be directed towards offsetting impacts to all other special status species, not just covered species. As drafted, the draft EIS/EIR does not identify the impacts, analyze the impacts, and evaluate the applicability and extent to which the conservation measures will offset those impacts to all other special status species.

CDFG-32

Impact BIO-1 – The text in this subsection is unclear, and we recommend it be revised. As presented, the text implies that impacts to all riparian resources from covered activities will be limited to 3,352 acres. It needs to be made clear that the identified impacts are only to covered species habitat (delineated from the species habitat models and the impact analysis), and not to all riparian cover types and associated resources.	CDFG-33
Impact BIO-2 – To avoid impacts to burrowing owls, the Department recommends that the LCR MSCP incorporate our 1995 burrowing owl guidelines which tiered from the 1993 burrowing owl consortium document.	CDFG-34
Impact BIO-4 - The text in this subsection is unclear, and we recommend it be revised. As presented, the text implies that impacts to all marsh resources from covered activities will be limited to 254 acres. It needs to be made clear that the identified impacts are only to covered species habitat (delineated from the species habitat models and the impact analysis), and not to all marsh cover types and associated resources.	CDFG-35
The 254 acres of marsh is actually that which is assumed to be lost. The amount that will be affected is 8,035 acres. The 8,035 acres of affected marsh may be degraded to varying degrees.	CDFG-36
Page 7-1, section 7.1.1 (Federal Laws, Regulations, and Executive Orders) <i>Fish and Wildlife Coordination Act, 16 U.S.C. 661-666.</i> The federal proponent has not yet initiated consultation with the Department for the activities proposed in the draft EIS/EIR, draft HCP, and Biological Assessment. The Department recommends that this consultation occur, and is willing and ready to discuss impacts which will occur as a result of implementation of the LCR MSCP.	CDFG-37
Page 7-10, section 7.1.3 (State of California Laws and Regulations) Implementation of all LCR MSCP covered activities and conservation measures within California will need to comply with all relevant California Fish and Game Code provisions, including, but not limited to Fish and Game Code section 1600 <i>et seq.</i> , section 1900 <i>et seq.</i> , and sections 2081, 3503.5, 3511, 4700, and 5515.	CDFG-38
<u>Draft Habitat Conservation Plan</u>	CDFG-39
Page 2-1 – 20, Chapter 2 (Description of Covered Activities) The document states that covered activities for reaches 3-6 include all operation, maintenance, and replacement (OM&R) of existing water diversion and conveyance facilities, and electrical generation and transmission facilities. OM&R activities include daily operation of the water diversion, conveyance and delivery systems, electrical power	

generation and transmission facilities, and routine maintenance as needed to ensure continued operations, and replacement of facilities or system components as needed to maintain system capacity and capabilities. The conservation plan does not afford conservation measures to mitigate for effects of these activities. These impacts need to be quantified so that appropriate mitigation can be developed to offset these impacts. Applicants applying for a CESA permit must provide detailed information as specified in the California Code of Regulations, Title 14, Section 783.2 (Incidental Take Permit Applications) for these and all other covered activities.

CDFG-39 con't

Page 2-11, section 2.3.1.1 (Reach 1)

Please specify the amount of Metropolitan Water District's (MWD) allocation retained in Lake Mead and the amount of Mexican Treaty Obligation (1.5 MAFY) transported through MWD's Colorado River Aqueduct. Are these amounts in addition to or included in the 1.574 MAFY proposed flow reduction below Parker Dam?

CDFG-40

Page 3-19, section 3.4 (Status of Covered and Evaluation Species habitats in the LCR MSCP Planning Area)

In this section we suggest that you define the terms "habitat-based approach" and "habitat". Based on the collective available literature, these terms are misapplied throughout the document. We recommend the following definitions:

CDFG-41

- Habitat-based Approach (Management) - a management focus that de-emphasizes individual species, focusing instead on maintaining habitat or ecosystem quality, including ecological processes important in maintaining the characteristic biodiversity of an area (Meffe et al. 1994); and
- Habitat - the resources and conditions present in an area that produce occupancy, including survival and reproduction by an organism. Habitat is organism-specific; it relates the presence of a species, population, or individual (animal or plant) to an area's physical and biological characteristics. Habitat implies more than vegetation or vegetation structure; it is the sum of the specific resources that are needed by organisms (Hall et al. 1997).

CDFG-42

CDFG-43

Page 3-19, section 3.4.1.1 (Species Habitat Models)

The Department does not agree with the approach used to develop the habitat-models used to delineate extent of covered species habitat. The Department believes that the habitat-models most likely underestimate the extent of covered species habitat, therefore, underestimating the extent of the impacts. We offer the following points supporting our position:

CDFG-44

- The bulk of relevant scientific literature indicates that species habitat includes more than plant species composition and vegetation structure, therefore, these parameters alone should not be used to gauge the suitability of or estimate the extent of species habitat;

CDFG-45

- The term "habitat" as it is used in this document is misapplied. The term "habitat" refers to species-specific requirements and should not be used interchangeably with land cover type.

CDFG-46

- The collective available scientific information provides valuable insight into critical ecological processes and factors that influence habitat use patterns and fecundity along the LCR for many of the covered riparian species and include: (1) cooler temperatures, humidity, and presence of hydrologic conditions (e.g. soil moisture availability, surface water, etc); (2) a diversity of vegetation resulting from well-developed herbs, shrubs, and trees and leading to a large number of foraging layers, greater canopy closure, and available nest sites (i.e. structural characteristics); and (3) proximity and ready access to water during the nesting season. Suitable environmental conditions are present in all LCR riparian land cover types and are critical components of species habitat. As an example, the southwestern willow flycatcher historically has been associated with cottonwood/willow land cover. Years of scientific study have shown that the flycatcher makes use of a site not because of the type of trees that are present, but rather because all of the requisite biological components (e.g. soil moisture availability, surface water, forage base, and structural characteristics are present at a site) exist. There is no scientific basis to assume that this is also not the case for many of the other covered species. Critical ecological processes and factors should be fully considered and combined with a comprehensive understanding of covered species habitat requirements to accurately delineate and quantify the extent of species habitat.

CDFG-47

- Habitat models assume that for many of the covered riparian species, habitat is limited to extent of cottonwood/willow land cover type. This assumption is not corroborated by the scientific literature. On the contrary, there is much scientific information that confirms extensive use of honey mesquite, salt cedar-honey mesquite, salt cedar-screwbean mesquite, and salt cedar land cover types.

CDFG-48

Tables 3-8, 3-10, and 3-11

Backwater delineations are missing in tables 3-8 and 3-10. The amount of existing habitat for the covered fish species, presented in table 3-11, corresponds to only the total river and reservoir acreage. This indicates that existing backwater acreage was not included in delineating the extent of total covered fish habitat. An accurate delineation of all three aquatic

CDFG-49

land cover types is necessary to clearly illustrate the complete extent of all existing habitat.

Page 4-5, sections 4.2.1.3 (Backwater, Marsh, and Riparian Land Cover Area)
Annual median flows do not capture nor accurately predict monthly and seasonal river stage and ground water reductions. An analysis of April flow reductions predicted that implementation of flow-related covered activities would drop river surface elevation by as much as 3 feet. Given that river stage and ground elevation reductions will be greatest in April (Spring), it is reasonable to believe that this may translate to broader biological and ecological implications on species and vegetation communities as this corresponds to the breeding and growing season. The Department believes that the hydrology analysis does not adequately address seasonal flow and ground water reductions and its corresponding effect to biological resources.

CDFG-50

Page 4-7 - 9, sections 4.2.1.4 (Key Assumptions Related to Groundwater Effects on Land Cover Types and Covered Species Habitat)

Groundwater well data collected during the 1992-1994 PVID Pilot Project where a change in point of delivery of approximately 100 KAFY of Colorado River water showed a 1-2 foot reduction in groundwater elevations. The proposed flow reduction below Parker Dam is approximately fifteen times greater than the PVID Pilot Project, but groundwater reductions are expected to be comparable to those observed during the 1992-1994 PVID Pilot Project. These findings do not substantiate the accuracy of the predicted groundwater reductions. There is a lack of corroboration between groundwater reductions predicted by the hydrology analysis and groundwater reductions observed from quantitative well data collected during the 1992-1994 PVID Pilot Project. This issue needs to be addressed.

CDFG-51

The Department disagrees with the assumption that flow-related covered activities will not result in the loss of mesquite and mesquite communities and covered species habitat supported within these cover types. A review of pertinent scientific literature revealed that several key environmental variables, many of which will be affected by flow-related covered activities, influence the recruitment, survivorship, and plant species composition of mesquite and mesquite mixed communities along the lower Colorado River. Depth to groundwater and its spatial correlation of floodplain elevation, periodic flooding, and inundation frequency exert the greatest influence, followed by soil texture and moisture holding capacity, light availability, and site elevation. The Department believes that the impacts to mesquite, mesquite communities, and covered species habitat supported within these cover types will be comparable in scope and magnitude to the range of effects that are expected to occur to cottonwood-willow from flow-related covered activities.

CDFG-52

Page 4-11, Table 4-2

Table 4-2 illustrates annual median flows and river surface elevation for operations under ongoing flow-related activities and with the implementation of future flow-related activities. The analysis of impacts to the change in surface area for river reaches 3, 4, 5 (4.2.3.3) and backwaters (4.2.3.4) states, "*The change in surface area in response to reduced depth under median flows indicates the change in river surface area would be relatively small (i.e. generally less than 1%).*" This statement understates the impacts during times of greatest possible reduction, such as the month of April, when surface elevation may fall as much as 3 feet. Similar tables displaying monthly or seasonal flow and surface elevation changes should be created in order to assess the greatest possible impacts from flow-related activities.

CDFG-53

Pages 4-34 and 4-37, Sections 4.5.4.1 and 4.5.6.1 (Effects of Flow-Related Activities)

Sections 4.5.4.1 and 4.5.6.1 state, "*Increased stranding relative to the existing conditions depends on site-specific channel morphology and the relationship of reduced depth in association with ongoing daily flow fluctuation. Change in stranding and desiccation would likely be minimal.*" This statement is unsubstantiated. To date, no surveys have been conducted to quantify razorback sucker and bonytail chub stranding and desiccation rates in the LCR. Given the small population size, their preference to spawn over gravel/cobble substrate, and the increased reduction of this substrate as a result of flow-related activities, it is more likely that stranding and desiccation rates of egg and early larval life stages will increase, especially in months when surface reductions are greatest.

CDFG-54

Page 5-68, Section 5.7.24 (Flannemouth Sucker)

Section 5.7.24.1 states, "*Implementation of covered activities and LCR MSCP measures could result in the loss of up to 85 acres of flannemouth sucker habitat, stranding and desiccation losses in the river and backwaters, and entrainment of individuals at diversions.*" Conservation measure FLSU1 then states, "*Of the 360 acres of the LCR MSCP created backwaters, at least 85 acres will be created in reach 3...*" In order for this species to benefit from the proposed conservation measures, a more detailed account of where this habitat will be created is necessary. The 85 acres of created backwater habitat will be of little benefit to flannemouth suckers if this habitat is created entirely in the southernmost section of reach 3. Similarly, acres of lost razorback sucker and bonytail chub habitat should be quantified and delineated by river reach. In order to achieve maximum benefits from created habitat, habitat should be replaced on a proportional basis in the river reach where the habitat loss occurred.

CDFG-55a

CDFG-55b

Page 2, superscript e, Table 5-11 (Comparison of Species- Specific Habitat Impacts to Created LCR MSCP Habitat)

The Department does not agree with the following statement, "The effects of the loss of 466 acres of backwater on this species is fully mitigated by both creating 360 acres of backwater that will be managed to provide greater habitat values for this species and by stocking juvenile fish to substantially augment the existing population over the term of the LCR MSCP (Section 5.7.4, "Bonytail", and Section 5.7.6, "Razorback sucker")." The Department does not believe that the proposed compensation acreage, even when combined with the other conservation measures, will adequately address the impacts to the covered fish species.

CDFG-56

Page 9-5, Section 9.4 (Alternative Measures to Avoid the Taking of Razorback Sucker, Bonytail, and Flannelmouth)

The first goal listed in the LCR MSCP states, "*conserve habitat and work toward the recovery of threatened and endangered species, as well as reduce the likelihood of additional species being listed.*" The Department believes to achieve this goal, naturally recruiting populations of razorback sucker and bonytail chub must become established. In order to establish naturally recruiting populations, it is essential to protect the sexually mature adults and improve the likelihood that juveniles reach sexual maturity. Fish screening at diversion points could accomplish both objectives, becoming more important with entrainment rates expected to increase as a result of fish augmentation efforts. The Department believes it is prudent to take a proactive approach to combat potential losses associated with entrainment well before the implementation of fish augmentation occurs.

CDFG-57

The Department appreciates the opportunity to comment on the LCR MSCP, and looks forward to working with your staff to ensure that our concerns are considered and addressed as part of this planning effort. If you have any questions regarding this letter please call me at (760) 922-6508.

Sincerely,



Chris Hayes
Senior Environmental Scientist

cc: State Clearinghouse
Ms. Laura Simonek, MWD
Mr. Glen Gould, USBR



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

August 19, 2004

Laura Simonek
The Metropolitan Water District of Southern California
700 N. Alameda Street
Los Angeles, CA 90012-2944

Subject: Lower Colorado River Multi-Species Conservation Program
SCH#: 1999061029

Dear Laura Simonek:

The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 18, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 1999061029
Project Title Lower Colorado River Multi-Species Conservation Program
Lead Agency Metropolitan Water District of Southern California

Type JD Joint Document
Description The Lower Colorado River Multi-Species Program (LCR MSCP) is a joint federal, non-federal program designed to provide incidental tak coverage for endangered species and provide a comprehensive plan for restoration of sensitive habitat along the Lower Colorado River from Lake Mead to the Southerly International Boundary with Mexico. Metropolitan is the CEQA Lead Agency for the preparation of the joint EIR/EIS. The U.S. Bureau of Reclamation and the U.S. Fish and Wildlife Service act as the NEPA Lead Agencies.

Lead Agency Contact

Name Laura Simonek
Agency The Metropolitan Water District of Southern California
Phone 213-217-6242 **Fax**
email
Address 700 N. Alameda Street
City Los Angeles **State** CA **Zip** 90012-2944

Project Location

County Riverside, San Bernardino, ...
City Blythe, Needles
Region
Cross Streets
Parcel No.
Township

Range

Section

Base

Proximity to:

Highways 95
Airports
Railways
Waterways Colorado River
Schools
Land Use

Project Issues Wetland/Riparian; Wildlife; Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Vegetation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 7; Department of Parks and Recreation; Native American Heritage Commission; Department of Food and Agriculture; Office of Historic Preservation; Department of Fish and Game, Headquarters; Department of Fish and Game, Region 6; Colorado River Board; Caltrans, District 11; Caltrans, District 8; State Water Resources Control Board, Division of Water Rights; State Water Resources Control Board, Division of Water Quality; State Lands Commission

Date Received 06/18/2004 **Start of Review** 06/18/2004 **End of Review** 08/18/2004



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0209

MR. OFFICIAL OFFICE COPY		
RECEIVED 8/12/04		
REPLY DATE		
DATE	INITIALS	CODE
8/13	Don	2011
CLASSIFICATION		
PROJECT: LC 25 0004		
CONTROL NO.		
FOLDER ID		
KEYWORD		

August 10, 2004

Mr. Glen Gould
U.S. Bureau of Reclamation
P.O. Box 61470 – LC 2011
Boulder City, Nevada 89406-1470

Re: SAI NV #E2004 -212
Project: EIS EIR – Lower Colorado River Multi-Species Conservation Program

Dear Mr. Gould:

Thank you for the opportunity to review the above referenced project.

The State Clearinghouse, as per Executive Order 12372, has processed the proposal and has no comment. Your proposal is not in conflict with state plans, goals or objectives. If you have any questions, please contact me at (775) 684-0209.

NSC-1

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Stafford".

Michael J. Stafford
Nevada State Clearinghouse Coordinator/SPOC

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
Fax (775) 684-0260

DATE: June 21, 2004

Governor's Office	Legislative Counsel Bureau	Conservation & Natural Resources -
Agency for Nuclear Projects	PUC	Director's Office
Energy Office	Transportation (General)	State Lands
Agriculture Department	Transportation (Airspace)	Environmental Protection
Minerals Commission	Office of Traffic Safety	Forestry
UNR Bureau of Mines	UNR Library	Conservation Districts
Economic Development	UNLV Library	State Parks
Tourism	Historic Preservation	Water Resources
Fire Marshal	Emergency Management	Natural Heritage Program
Human Resources	Office of the Attorney General	Wild Horse Commission
Health Division	Washington Office	Wildlife Department - Director's Office
Indian Commission	Nevada Assoc. of Counties	Region 1 - Fallon
Colorado River Commission	Nevada League of Cities	Region 2 - Elko
Animal Damage Control	Public Safety	Region 3 - Las Vegas

Nevada SAI # E2004-212

Project: EIS EIR - Lower Colorado River Multi-Species Conservation Program

☐ Yes ☐ No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES Documents may be viewed at: <http://www.lcrmscp.org/Documents/index.html>

Enclosed, for your review and comment, is a copy of the above-mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **August 10, 2004**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Michael Stafford, Clearinghouse Coordinator, (775) 684-0209 or mstafford@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

☐ No comment on this project
☒ Proposal supported as written
☒ Additional information below
☐ Conference desired (See below)
☐ Conditional support (See below)
☐ Disapproval (Explain below)

AGENCY COMMENTS:

The Nevada Department of Wildlife has been an active and integral participant in the Lower Colorado MSCP effort for the better part of 8 years. We support the funding and implementation of this MSCP which is vital to the restoration of endemic, aquatic resources of the Lower Colorado River.

NDOW
-1

Signature

Brad Hardenbrook

s:\shardat\clear\clear.doc

Agency

NDOW #3

Date

8/12/04

